

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I, Sharon Nance, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: May 2, 2005

By Sharon Nance

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

Applicant(s):	Woodrow C. Monte	Docket No.:	56570.00002
Application No.:	10/068,750	Group Art Unit:	1615
Filing Date:	February 5, 2002	Examiner:	Carlos A. Azpuru
Title:	PROBIOTIC/PREBIOTIC COMPOSITION AND DELIVERY METHOD		

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**SUBMITTAL OF CONFIRMATION PAPER COPY OF
PRIOR ELECTRONIC AMENDMENT**

Commissioner:

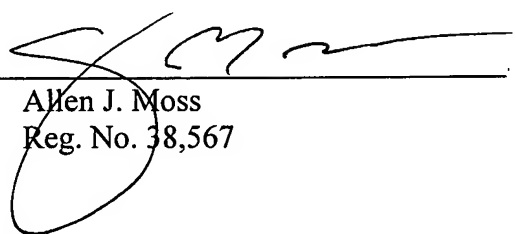
Pursuant to a telephone conference on April 29, 2005, between Sharon A. Nance, a Paralegal employed by Squire, Sanders & Dempsey L.L.P., and the Examining Attorney, Carlos A. Azpuru, applicant files this confirmation "paper copy" of the electronic amendment previously filed on January 7, 2004. More specifically, on January 7, 2004, applicant filed a request for republication of the application, pursuant to 37 C.F.R. 1.221(a), to correct minor typographical errors in the claims, as originally filed. No new matter was entered by the claim amendments incorporated into the republished application. Enclosed is a redline version showing additions as underlined text and deletions as strike out text between the application as first published and then subsequently published as a result of applicant's republication request.

The Examiner is invited to contact the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Dated: May 2, 2005

By


Allen J. Moss
Reg. No. 38,567

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner:

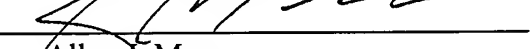
The Examiner's statements of reasons for allowance provided in the prosecution history of this case are objected to, to the extent that they may give rise to reasoning that is inconsistent with the proper scope of the claims. The statements do not include at least (1) all the differences in the claims not found in the prior art of record, and (2) all the reasons why such differences are considered to define patentability over the prior art.

Claim construction requires each claim to be taken as a whole. Patentability of each claim is imparted by each claim as a whole. No portion of any claim is to be construed as more important for patentability than any other portion.

Applicant asserts that each claim is allowable because all statutory requirements have been met, including, *inter alia*, the absence in all art of record of the same inventions as claimed or any disclosure, teaching, or suggestion (explicit or implied) that would make the claimed inventions obvious to a person having ordinary skill in the art.

Respectfully submitted,

Dated: May 2, 2005

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